

**THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

In Re:

SCOTT VINCENT VAN DYKE

Debtor(s)

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§
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§
§

Case No. 21-60052-CML

Chapter 7

**BUILDERS WEST, INC.'S JOINDER IN CHAPTER 7
TRUSTEE'S MOTION FOR EXTENSION OF TIME
TO OBJECT TO DISCHARGE**

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

Represented parties should act through their attorney.

COMES NOW Builders West, Inc., a creditor in the above proceeding and files this its Joinder in the *Chapter 7 Trustee's Motion for Extension of Time to Object to Discharge*, and in support respectfully represents:

1. On May 25, 2021, Scott Vincent Van Dyke (the "Debtor"), filed his voluntary petition under Chapter 7 of the Bankruptcy Code. Catherine Stone Curtis was appointed Chapter 7 Trustee to administer the assets of the bankruptcy estate (the "Estate").
2. The Meeting of Creditors pursuant to Section 341 of the Bankruptcy Code (the "341 Meeting") was held on March 24, 2022. After that meeting, the Trustee sent a request for documents to the Debtor via his counsel:

1. Social Security card uploaded to Autodelete documents in BlueStylus
2. Bills of sale or other documentation regarding sale of 2004 Suburban and home generators.
3. Name, address, phone, and email of counsel consulted for ADE and Trepador claims against Sesco LTD and Drilling Risk Management
4. Mortgage statements with Cadence Bank for Jan 2019-present date
5. Frost Bank statements from Jan 2019 through December 2020
6. Need closing statements for any account closed within 1 year before the petition date
7. Amended Statement of Financial Affairs showing any closed accounts within 1 year before the petition date
8. Account for disposition of \$63,917 in cash withdrawals from Frost Bank account in April 2021, with receipts
9. Clearer copies of check nos. 4438, 4439, 4412, and 4429 from Frost Bank account
10. Identify source of \$135,000 deposits between 12/29/2020 and 1/14/2021 in Frost Bank account
11. Bank statement showing deposit of \$1.19MM to Debtor in income from Bastion Energy in 2019
12. Accounting of how \$1.19MM from Bastion Energy was spent – with bank statements and receipts
13. Sherriff sale information from Louisiana
14. 2020 and 2021 year-end Balance Sheet, Income Statement, General Ledger for Trepador Energy LLC, and all scheduled entities on Schedule A/B
15. Confirm date and amount of last distribution from Trepador Energy, with bank statement showing deposit

16. LLC or Shareholder Agreements, by laws, if any, regarding all scheduled entities on Schedule A/B
 17. Loan agreements between Texas Petroleum and Jacobe, Vacek, and Wilkerson
 18. Bank statements showing deposit, accounting of disposition of funds if any went to Van Dyke individually or to one of his other entities
 19. Big Tex Storage unit lease
 20. Itemized list of property in storage unit, or best recollection
 21. Payton Boomer signed documents, agreements, deeds
 22. Bank statement showing deposit of proceeds from Payton Boomer transaction
 23. Bank statement showing Van Dyke's deposit of proceeds from Payton Boomer, receipts showing disposition of funds
 24. Itemized list, with photos, if possible, of antique and art in Debtor's home
 25. Itemized list of jewelry
 26. Date/time for week of 3/28/2022 for Trustee and proposed counsel, proposed appraiser to view the Debtor's personal property, including artwork, antiques, collectables, and jewelry, at his home. Separate email to follow regarding arrangements for next week.
3. As demonstrated by the Trustee's Motion, Debtor failed to produce all the documents requested in a timely manner. It is not known if all the requested documents have been produced as of this date.
4. The Trustee has reset the 341 Meeting to May 20, 2022, at 9:00 AM. The 341 Meeting has not been concluded.
5. Pursuant to Federal Rule of Bankruptcy Procedure 4004(b)(1), "[o]n motion of any party in interest, after notice and hearing, the court may for cause extend the time to object to discharge the motion shall be filed before the time [to object] has expired." FED. R. BANKR. P. 4004(b)(1). In a

chapter 7 case, a complaint or motion to object to discharge must be filed no later than sixty (60) days after the first date set for the 341 Meeting. FED. R. BANKR. P. 4004(a).

6. In this case, the deadline to object to discharge has been set for May 2, 2022. As the Trustee reset the 341 Meeting of Creditors and is reviewing documents submitted by the Debtor, her request for a sixty (60) day extension of the deadline, to July 1, 2022, should be granted. For the same reasons, Builders West, Inc. and other interested parties should also have additional time to evaluate the documents that have been and should be produced by the Debtor and should also have additional time to file objections to discharge pursuant to 11 U.S.C. § 727 and § 523 and R. Bankr. P. 4004.

WHEREFORE, Builders West, Inc. prays that the Court grant the relief requested herein and in the Trustee's Motion and extend to July 1, 2022, the deadline for the Trustee, Builders West, Inc., and all other interested parties to object to discharge, pursuant to 11 U.S.C. § 727 and § 523 and R. Bankr. P. 4004 and that Builders West, Inc. have such additional and alternative relief entitled at law or in equity to which it is entitled.

Respectfully submitted,

BAIR HILTY, P.C.

/s/ Dale R. Mellencamp

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ATTORNEY FOR BUILDERS WEST, INC.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served on all necessary parties in accordance with FRBP 2002 on this date the 2nd day of May 2022, via CM/ECF to all parties authorized to receive electronic notice in this case.

/s/ Dale R. Mellencamp
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